



TOWN OF MOUNTAIN VILLAGE  
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Re: Lawful Presence Required to Reside at Village Court Apartments (VCA)

By way of background, in 2006 the Colorado Legislature passed HB 1023 which was signed into law on July 31<sup>st</sup>, 2006 and became effective on August 1, 2006. HB 1023 ultimately became a part of the Colorado Revised Statutes at C.R.S. 24-76.5-101 through 24-76.5-103 (the "Lawful Presence Statute").

The Lawful Presence Statute requires municipalities and other governmental entities, such as the Town of Mountain Village and the Mountain Village Housing Authority, to verify the lawful presence in the United States of each person eighteen years of age or older who applies for federal, state or local public benefits. Public benefits includes public housing, such as the Village Court Apartments.

The lawful presence verification process is a three-step procedure that includes the following:

1. The person applying for the public benefit must complete a sworn affidavit attesting they are a United States citizen, a legal permanent resident or otherwise lawfully present in the United States pursuant to federal law; and
2. The person applying must present acceptable photo identification to verify their identity and their lawful presence. Such acceptable documents include:
  - A Colorado Driver's License or Colorado Identification Card;
  - U.S. Military ID's;
  - Coast Guard Mariner document;
  - Native American Tribal Document;
  - Certificate verifying naturalized status with photo and embossed seal of issuing agency;
  - Certificate verifying United States citizenship with photo and embossed seal of issuing agency;
  - Valid driver's license or ID card with photo issued by a state that verifies lawful presence; or
  - Valid immigration documents demonstrating lawful presence verified through the SAVE Program operated by the U.S. Department of Homeland Security.
3. For an individual claiming to be an alien lawfully present in the United States and presenting immigration documents; the Mountain Village Housing Authority must verify such lawful presence using the SAVE program.

The Lawful Presence Statutes have been in existence for over a decade and at least initially upon passage of the Lawful Presence Statutes, Village Court Apartments was requiring verification of lawful presence. However, at some point Village Court Apartments was not consistent in verifying lawful presence which may have led to leasing Village Court Apartments to those without the proper lawful presence verification. This came to management's attention in the later part of 2016.

Therefore, management has been notifying all tenants that are within 90 days of renewing their lease that we must verify their legal presence. This includes all tenants over 18 years of age, regardless of race, gender or national origin.

We recognize that this has a very negative impact on much of the community including residents at VCA, their families and many employers; however we have no choice but to follow state law and require verification. The Town is working on providing a list of local resources for both private housing and those that can assist in immigration issues for those affected.